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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT SEATTLE  
8

9                   MARYBETH MOORE, Individually and on  
10                  Behalf of All Others Similarly Situated,

11                  Plaintiff,

12                  v.

13                  REALPAGE, INC.; GREYSTAR REAL  
14                  ESTATE PARTNERS, LLC; LINCOLN  
15                  PROPERTY CO.; CUSHMAN &  
16                  WAKEFIELD, INC.; FPI MANAGEMENT,  
17                  INC.; RPM LIVING, LLC; BH  
18                  MANAGEMENT SERVICES, LLC; MID-  
19                  AMERICA APARTMENT COMMUNITIES,  
20                  INC.; MORGAN PROPERTIES, LLC;  
21                  AVENUES RESIDENTIAL, LLC; BOZZUTO  
22                  MANAGEMENT COMPANY; AVALONBAY  
23                  COMMUNITIES, INC.; HIGHMARK  
24                  RESIDENTIAL, LLC; EQUITY  
25                  RESIDENTIAL; THE IRVINE COMPANY,  
26                  LLC; ESSEX PROPERTY TRUST, INC.; ZRS  
27                  MANAGEMENT, LLC; CAMDEN PROPERTY  
                     TRUST; UDR, INC.; CONAM  
                     MANAGEMENT CORPORATION;  
                     CORTLAND PARTNERS, LLC; THRIVE  
                     COMMUNITIES MANAGEMENT, LLC;  
                     SECURITY PROPERTIES INC.; CWS  
                     APARTMENT HOMES, LLC; PROMETHEUS  
                     REAL ESTATE GROUP; SARES REGIS  
                     GROUP OPERATING, INC.; MISSION ROCK  
                     RESIDENTIAL, LLC; and MORGAN GROUP,  
                     INC.,

28                  Defendants.

No. 2:22-cv-01826-RSL

STIPULATED MOTION AND  
ORDER SUSPENDING  
DEADLINE FOR CERTAIN  
DEFENDANTS TO RESPOND TO  
COMPLAINT

STIPULATED MOTION AND ORDER SUSPENDING  
DEADLINE FOR CERTAIN DEFENDANTS TO RESPOND TO  
COMPLAINT  
No. 2:22-cv-01826-RSL

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1 Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiff MaryBeth Moore  
2 (“Plaintiff”) and Defendants RealPage, Inc.; Lincoln Property Co.; Cushman & Wakefield,  
3 Inc.; FPI Management, Inc.; RPM Living, LLC; BH Management Services, LLC; Mid-America  
4 Apartment Communities, Inc.; Bozzuto Management Company; AvalonBay Communities,  
5 Inc.; Highmark Residential, LLC; Equity Residential; Essex Property Trust, Inc.; ZRS  
6 Management, LLC; Camden Property Trust; UDR, Inc.; ConAm Management Corporation;  
7 Cortland Partners, LLC; Thrive Communities Management, LLC; Security Properties Inc.;  
8 Prometheus Real Estate Group; Mission Rock Residential, LLC; Avenue5 Residential, LLC;  
9 CWS Apartment Homes, LLC; Sares Regis Group Operating, Inc.; Greystar Real Estate  
10 Partners, LLC; and Morgan Group, Inc. (collectively, the “Stipulating Defendants”), by and  
11 through their respective counsel, hereby stipulate as follows:

12 WHEREAS, Plaintiff filed a Class Action Complaint (the “Complaint”) on December  
13 27, 2022. ECF No. 1;

14 WHEREAS, the Stipulating Defendants agreed to waive service in the above-captioned  
15 action on or about January 25, 2023, January 26, 2023, January 27, 2023, January 31, 2023,  
16 February 6, 2023, February 15, 2023 and February 17, 2023. See ECF Nos. 9–10, 12–29, 36,  
17 39–41;

18 WHEREAS, Plaintiff served Defendant Greystar Real Estate Partners, LLC on February  
19 17, 2023;

20 WHEREAS, Plaintiff voluntarily dismissed Defendant The Irvine Company, LLC on or  
21 about January 18, 2023. ECF No. 6;

22 WHEREAS, the Complaint asserts claims under Section 1 of the Sherman Act based on  
23 the alleged use of RealPage, Inc.’s revenue management software;

24 WHEREAS, as of the date of this filing, the parties are aware that one or more of the  
25 Stipulating Defendants are named in multiple other lawsuits, in District Courts in Arizona,  
26 California, Colorado, the District of Columbia, Florida, Massachusetts, Tennessee, Texas, and  
27 other cases in Washington, asserting claims under Section 1 of the Sherman Act based on the

1 alleged use of RealPage, Inc.'s revenue management software;

2 WHEREAS, on January 4, 2023, certain Stipulating Defendants and defendants named  
3 in other actions filed a motion pursuant to 28 U.S.C. §1407 before the U.S. Judicial Panel on  
4 Multidistrict Litigation to transfer this case and others to the U.S. District Court for the  
5 Northern District of Texas for consolidated pretrial proceedings;

6 WHEREAS, Plaintiff and the Stipulating Defendants have conferred and agreed that  
7 party and judicial efficiency would be best served by suspending, for a short period of time, the  
8 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the  
9 Complaint;

10 WHEREAS, similar orders have been entered in other related cases subject to  
11 Defendants' MDL Petition, including: *Weaver v. RealPage, Inc. et al.*, No. 1:22-cv-03224 (D.  
12 Colo.), *Navarro v. RealPage, Inc. et al.*, No. 2:22-cv-01552 (W.D. Wash.), *Alvarez et al. v.*  
13 *RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*,  
14 No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712  
15 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.);

16 WHEREAS, Plaintiff and the Stipulating Defendants have conferred and agree that the  
17 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the  
18 Complaint should be suspended and should be set on the same date as the deadline ultimately  
19 established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry*  
20 *et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage,*  
21 *Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No.  
22 2:22-cv-01726 (W.D. Wash.);

23 WHEREAS, Plaintiff and the Stipulating Defendants have agreed to file a joint status  
24 report with the Court by April 21, 2023;

25 In making this stipulation, the Stipulating Defendants do not waive, in this or any other  
26 action, any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P.  
27 12; (ii) affirmative defenses under Fed. R. Civ. P. 8, including defenses based on class action

1 waivers; (iii) other statutory or common law defenses that may be available; or (iv) right to  
2 seek or oppose any reassignment, transfer, or consolidated alternatives, including to seek  
3 arbitration. The Stipulating Defendants expressly reserve their rights to raise any such defenses  
4 (or any other defense) in response to either the Complaint or any original, amended, or  
5 consolidated complaint that may be filed in this or any other action.

6 THEREFORE, Plaintiff and the Stipulating Defendants stipulate and agree to suspend  
7 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to  
8 the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

9 STIPULATED to this 9<sup>th</sup> day of March, 2023.  
10

11 We certify that this memorandum contains 751 words, in compliance with the Local  
12 Civil Rules.

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39           STIPULATED MOTION AND ORDER SUSPENDING  
40           DEADLINE FOR CERTAIN DEFENDANTS TO RESPOND TO  
41           COMPLAINT  
42           No. 2:22-cv-01826-RSL

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## ORDER

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendants RealPage, Inc.; Lincoln Property Co.; Cushman & Wakefield, Inc.; FPI Management, Inc.; RPM Living, LLC; BH Management Services, LLC; Mid-America Apartment Communities, Inc.; Bozzuto Management Company; AvalonBay Communities, Inc.; Highmark Residential, LLC; Equity Residential; Essex Property Trust, Inc.; ZRS Management, LLC; Camden Property Trust; UDR, Inc.; ConAm Management Corporation; Cortland Partners, LLC; Thrive Communities Management, LLC; Security Properties Inc.; Prometheus Real Estate Group; Mission Rock Residential, LLC; Avenue5 Residential, LLC; CWS Apartment Homes, LLC; Sares Regis Group Operating, Inc.; Greystar Real Estate Partners, LLC; and Morgan Group, Inc. to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended and shall be set on the same date as the deadline ultimately established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.).

Plaintiff and Defendants RealPage, Inc.; Lincoln Property Co.; Cushman & Wakefield, Inc.; FPI Management, Inc.; RPM Living, LLC; BH Management Services, LLC; Mid-America Apartment Communities, Inc.; Bozzuto Management Company; AvalonBay Communities, Inc.; Highmark Residential, LLC; Equity Residential; Essex Property Trust, Inc.; ZRS Management, LLC; Camden Property Trust; UDR, Inc.; ConAm Management Corporation; Cortland Partners, LLC; Thrive Communities Management, LLC; Security Properties Inc.; Prometheus Real Estate Group; Mission Rock Residential, LLC; Avenue5 Residential, LLC; CWS Apartment Homes, LLC; Sares Regis Group Operating, Inc.; Greystar Real Estate

**STIPULATED MOTION AND ORDER SUSPENDING  
DEADLINE FOR CERTAIN DEFENDANTS TO RESPOND TO  
COMPLAINT**

No. 2:22-cv-01826-RSL

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1 Partners, LLC; and Morgan Group, Inc. shall file a joint status report with the Court by April  
2 21, 2023.

Dated this 10th day of March, 2023.

Mrs Casnik

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Robert S. Lasnik  
United States District Judge

**STIPULATED MOTION AND ORDER SUSPENDING  
DEADLINE FOR CERTAIN DEFENDANTS TO RESPOND TO  
COMPLAINT**

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